

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 17 entitled “An act relating to sheriff reforms” respectfully reports that
4 it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

7 * * * Unprofessional Conduct of Law Enforcement Officers Reviewable by the
8 Vermont Criminal Justice Council * * *

9 Sec. 1. 20 V.S.A. § 2401 is amended to read:

10 § 2401. DEFINITIONS

11 As used in this subchapter:

12 * * *

13 (2) “Category B conduct” means gross professional misconduct
14 amounting to actions on duty or under authority of the State, or both, that
15 involve willful failure to comply with a State-required policy or substantial
16 deviation from professional conduct as defined by the law enforcement
17 agency’s policy or, if not defined by the agency’s policy, then as defined by
18 Council policy, and shall include any one or more of the following:

19 (A) sexual harassment involving physical contact or misuse of
20 position;

21 (B) misuse of official position for personal or economic gain;

- 1 (C) excessive use of force under authority of the State, first offense;
2 (D) biased enforcement;
3 (E) use of electronic criminal records database for personal, political,
4 or economic gain;
5 (F) placing a person in a chokehold;
6 (G) failing to intervene and report to a supervisor when the officer
7 observes another officer placing a person in a chokehold or using excessive
8 force;
9 (H) gross negligence or willful misconduct in the performance of
10 duties; and
11 (I) abuse of the powers granted through law enforcement officer
12 certification pursuant to section 2358 of this title.

13 * * *
14 * * * Audits * * *

15 Sec. 2. 24 V.S.A. § 290 is amended to read:

16 § 290. COUNTY SHERIFF’S DEPARTMENT

17 * * *

18 (b) Full-time State deputy sheriffs whose primary responsibility is
19 transportation of prisoners and persons with a mental condition or psychiatric
20 disability shall be paid by the State of Vermont. The positions and their
21 funding shall be assigned to the Department of State’s Attorneys and Sheriffs.

1 The Executive Director shall have the authority to determine job duties for the
2 position, assignment of positions to county, regular and temporary work
3 locations, assistance to other State agencies and departments, timesheet
4 systems, daily work logs, and to have final approval of personnel matters,
5 including, but not limited to, approval for hiring, paygrade assignment, hiring
6 rate, discipline, and termination. ~~The sheriffs shall have an Executive~~
7 ~~Committee of not more than five current sheriffs, elected for a two-year term~~
8 ~~by a vote of the sheriffs held not later than January 15, for a term starting~~
9 ~~February 1. The Executive Committee shall have a Chair, Vice Chair,~~
10 ~~Secretary Treasurer, and two members at large. The Executive Committee~~
11 ~~shall meet at least quarterly to provide input to the Department of State's~~
12 ~~Attorneys and sheriffs regarding budget, legislation, personnel and policies,~~
13 ~~and the assignment of positions, when vacancies arise, for efficient use of~~
14 ~~resources.~~

15 * * *

16 (d) Upon the election of a sheriff-elect who is not the incumbent sheriff, ~~or~~
17 ~~upon notice of the resignation of the sheriff,~~ an announcement that the
18 incumbent sheriff will not seek re-election or an announcement that the
19 incumbent sheriff intends to resign, whichever occurs earliest, all financial
20 disbursements from the accounts of the department, including the transfer of
21 real or personal property, or other assets, of the department, shall be co-signed

1 by the sheriff and the assistant judges. A report of all financial disbursements
2 or transfers made pursuant to this subsection shall be forwarded by the
3 assistant judges to the Auditor of Accounts within 15 days ~~of completion of the~~
4 ~~out-going sheriff's duties~~ following the sheriff leaving office.

5 Sec. 3. 24 V.S.A. § 290b is amended to read:

6 § 290b. AUDITS

7 * * *

8 (b) The Auditor of Accounts shall adopt and sheriffs shall comply with a
9 uniform system of accounts, controls, and procedures for the sheriff's
10 department, which accurately reflects the receipt and disbursement of all funds
11 by the department, the sheriff, and all employees of the department. The
12 uniform system shall include:

13 * * *

14 (8) procedures and controls ~~which~~ that identify revenues received from
15 public entities through appropriations or grants from the federal, State, or local
16 governments from revenues received through contracts with private entities;
17 ~~and~~

18 (9) procedures to notify the Auditor of Accounts and the Department of
19 State's Attorneys and Sheriffs of the establishment and activities of any
20 nonpublic organization of which the sheriff or any employee of the sheriff is a

1 director and which has a mission or purpose of supplementing the efforts of the
2 sheriff's department; and

3 ~~(9)~~(10) other procedures and requirements as the Auditor of Accounts
4 deems necessary.

5 (c) The Auditor of Accounts and ~~his or her~~ the Auditor's designee may at
6 any time examine the records, accounts, books, papers, contracts, reports, and
7 other materials of the county sheriff departments as they pertain to the
8 financial transactions, obligations, assets, and receipts of that department. The
9 Auditor ~~or his or her designee shall conduct an audit of the accounts for a~~
10 ~~sheriff's department whenever the incumbent sheriff leaves office, and the~~
11 ~~auditor shall charge for the~~ any associated costs of the report pursuant to in the
12 same manner described in 32 V.S.A. § 168(b).

13 * * *

14 * * * Sheriff Contracts * * *

15 Sec. 4. 24 V.S.A. § 291a is amended to read:

16 § 291a. CONTRACTS

17 * * *

18 (b) A contract made with a town, city, village, or county to provide law
19 enforcement or related services shall contain provisions governing the
20 following subjects as best suit the needs of the parties:

21 * * *

1 (4) the type, frequency, and information to be contained in reports
2 submitted by the sheriff's department to the town, city, village, or county;

3 * * *

4 ~~(c) A contract under this section may contain provisions for compensation~~
5 ~~to the sheriff for administration of the contract and related services. No~~
6 ~~compensation may be paid to a sheriff for administration of the contract or~~
7 ~~related services unless the contract sets forth in writing the rate or method of~~
8 ~~calculation for the compensation and a schedule of payment; provided that a~~
9 ~~sheriff's compensation for administration shall not exceed five percent of the~~
10 ~~contract. A sheriff's rate of compensation shall be at a rate equivalent to other~~
11 ~~employees of the department who provide similar services under the contract.~~
12 ~~Compensation to the sheriff shall be made in accordance with the schedule set~~
13 ~~forth in the contract but in no event may a sheriff be compensated for~~
14 ~~administration of the contract and related services unless the compensation is~~
15 ~~made in the same calendar year in which the revenue was received by the~~
16 ~~department under the contract. A contract under this section may contain~~
17 ~~provisions for an administrative overhead fee at a rate not to exceed five~~
18 ~~percent of the contract. Funds derived from contract administrative overhead~~
19 ~~fees shall be kept in a separate account held by the sheriff's department and~~
20 ~~used by the sheriff's department only for the costs of necessary departmental~~
21 ~~expenses not covered by State or county funds, including the cost of vehicles.~~

1 uniforms, equipment, training, and professional services. Funds derived from
2 contract administrative overhead fees shall not be used for sheriff, sheriff
3 deputy, or other departmental employee compensation, bonuses, salary
4 supplements, retirement contributions, or employment benefits.

5 * * *

6 (f) An agreement or contract for sheriff's departments to provide law
7 enforcement or security services to county and State courthouses must be a
8 single, statewide contract for such services over all county and State
9 courthouses between the Sheriff's Executive Committee and the Judicial
10 Branch. The Sheriff's Executive Committee and the Judicial Branch shall
11 negotiate terms that adequately address the costs of of providing law
12 enforcement or security services by the sheriff's departments to county and
13 State courthouses.

14 * * * Sheriff Duties * * *

15 Sec. 5. 24 V.S.A. § 293 is amended to read:

16 § 293. DUTIES

17 (a) A sheriff so commissioned and sworn shall serve and execute lawful
18 writs, warrants, and processes directed to ~~him or her~~ the sheriff, according to
19 the precept thereof, and do all other things pertaining to the office of sheriff.

1 (b) A sheriff shall provide law enforcement and security services for
2 county and State courthouses within the sheriff's county of jurisdiction in
3 accordance with section § 291a of this title.

4 (c) A sheriff shall maintain a detailed record of the sheriff's work schedule,
5 including work days, leave taken, and any remote work performed outside the
6 sheriff's district for a period of more than three days.

7 (d) Each sheriff's department shall comply with the provisions of the
8 standard operating procedures manuals and policy manuals created and
9 maintained by the Division of Sheriffs.

10 Sec. 6. 24 V.S.A. § 299 is amended to read:

11 § 299. DUTIES AS PEACE OFFICER

12 A sheriff shall preserve the peace, ~~and suppress, with force and strong hand,~~
13 ~~if necessary, unlawful disorder~~ using force only as permitted pursuant to 20
14 V.S.A. chapter 151. ~~He or she~~ A sheriff may apprehend, without warrant,
15 ~~persons~~ individuals assembled in disturbance of the peace; and bring them
16 before a the Criminal Division of the Superior Court, which shall proceed with
17 such ~~person~~ individuals as with ~~persons~~ individuals brought before it by
18 process issued by ~~such~~ the court.

19 Sec. 7. 24 V.S.A. § 1944 is added to read:

20 § 1944. DUTY TO ASSISTANCE TO SURVIVORS OF DOMESTIC
21 VIOLENCE

1 (a) Law enforcement agencies and law enforcement officers shall have a
2 duty to assist in the retrieval of personal belongings from the residence of an
3 individual who has a relief from abuse order pursuant to 15 V.S.A. § 1103 and
4 that individual’s dependents.

5 (b) A municipal police department, as defined in section § 1931 of this
6 title, providing law enforcement services for the location in which the
7 individual who has a relief from abuse order resides shall first perform the duty
8 described in subsection (a) of this section. If the municipal police department
9 is unable to perform the duty, the sheriff’s department having jurisdiction over
10 that location shall perform the duty described in subsection (a) of this section.
11 If the sheriff’s department is unable to perform the duty, the State Police shall
12 perform the duty described in subsection (a) of this section.

13 (c) Law enforcement agencies and law enforcement officers shall not seek
14 a fee from the individual being assisted in subsection (a) of this section or any
15 representative of that person.

16 * * * Repeal of Penalty for Refusal to Assist a Sheriff * * *

17 Sec. **8.** REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

18 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

19 * * * Reorganizing the Department of State’s Attorneys and Sheriffs * * *

20 Sec. 9. 24 V.S.A. § 313 is added to read:

21 § 313. SHERIFFS EXECUTIVE COMMITTEE

1 The sheriffs shall have a Sheriffs executive committee of not more than five
2 current sheriffs, elected for a two-year term by a vote of the sheriffs held not
3 later than January 15, for a term starting on February 1. The Sheriffs
4 Executive Committee shall have a chair, vice chair, secretary-treasurer, and
5 two members at large. The Sheriffs Executive Committee shall meet at least
6 quarterly to provide input to the Department of State’s Attorneys and Sheriffs
7 regarding budget, legislation, personnel and policies, and the assignment of
8 positions, when vacancies arise, for efficient use of resources.

9 Sec. 10. REPEAL OF THE DEPARTMENT OF STATE’S ATTORNEYS

10 AND SHERIFFS

11 24 V.S.A. § 367 (Department of State’s Attorneys and Sheriffs) is repealed.

12 Sec. 11. 24 V.S.A. 368 is added to read:

13 § 368. STATE’S ATTORNEYS EXECUTIVE COMMITTEE

14 The State’s Attorneys shall elect a State’s Attorneys executive committee of
15 five State’s Attorneys from among their members. The members of the State’s
16 Attorneys Executive Committee shall serve for terms of two years.

17 Sec. 12. 24 V.S.A. chapter 5, subchapter 10 is added to read:

18 Subchapter 10. Department of State’s Attorneys and Sheriffs

19 § 447. DEPARTMENT OF STATE’S ATTORNEYS AND SHERIFFS

20 There is established the Department of State’s Attorneys and Sheriffs,
21 which shall consist of two Divisions, the Division of State’s Attorneys, which

1 shall consist of the 14 State’s Attorneys, and the Division of Sheriffs, which
2 shall consist of the 14 sheriffs.

3 § 448. EXECUTIVE DIRECTOR

4 (a) The head of the Department of State’s Attorneys and Sheriffs shall be
5 the Executive Director. The Executive Director shall administer and direct the
6 Department of State’s Attorneys and Sheriffs, the Division of State’s
7 Attorneys, and the Division of Sheriffs.

8 (b) Together, the Sheriffs Executive Committee and the State’s Attorneys
9 Executive Committee shall appoint an executive director who shall serve at the
10 pleasure of the Committees. The Executive Director shall be an exempt
11 employee.

12 (c) The Executive Director may employ clerical staff as needed to carry out
13 the functions of the Department of State’s Attorneys and Sheriffs.

14 (d) The Executive Director shall prepare and submit all budgetary and
15 financial materials and forms that are required of the head of a department of
16 State government with respect to all State funds appropriated for all of the
17 Vermont State’s Attorneys and sheriffs.

18 (e) The Executive Director shall prepare and submit a funding request to
19 the Governor and the General Assembly for the purpose of securing General
20 Fund appropriations for any increased costs related to a collective bargaining
21 agreement and to the Department’s contract bargaining and administration.

1 § 449. DIVISION OF SHERIFFS

2 (a) At the beginning of each fiscal year, the Executive Director, with the
3 approval of the Sheriff’s Executive Committee, shall establish allocations for
4 each of the sheriff’s departments from the sheriff’s departments appropriation.
5 Thereafter, the Executive Director shall exercise budgetary control over these
6 allocations and the general appropriation for sheriffs.

7 (b) If an individual sheriff is aggrieved by a decision of the Division of
8 Sheriffs pertaining to an expenditure or proposed expenditure by the sheriff,
9 the question shall be decided by the Executive Committee of the Vermont
10 Sheriff’s Association, and the decision shall be final.

11 (c) The Division of Sheriffs shall monitor the sheriff’s transport budget and
12 report to the sheriffs on a monthly basis the status of the budget.

13 (d) The Division of Sheriffs shall provide centralized support services for
14 the sheriffs with respect to budgetary planning, training, and office
15 management and perform such other duties as directed by the Executive
16 Director.

17 (e) The Division of Sheriffs shall create and maintain policies and best
18 practices to be included in standard operating procedures manuals and policy
19 manuals. Each sheriff’s department shall comply with the provisions of the
20 standard operating procedures manuals and policy manuals.

21 § 450. DIVISION OF STATE’S ATTORNEYS

1 (a) At the beginning of each fiscal year, the Division of State’s Attorneys,
2 with the approval of the State’s Attorneys Executive Committee, shall establish
3 allocations for each of the State’s Attorneys’ offices from the State’s
4 Attorneys’ appropriation. Thereafter, the Division of State’s Attorneys shall
5 exercise budgetary control over these allocations and the general appropriation
6 for State’s Attorneys.

7 (b) If an individual State’s Attorney is aggrieved by a decision of the
8 Executive Director pertaining to an expenditure or proposed expenditure by the
9 State’s Attorney, the question shall be decided by the State’s Attorney
10 Executive Committee, and the decision shall be final.

11 (c) The Division of State’s Attorneys shall provide centralized support
12 services for the State’s Attorneys with respect to budgetary planning, training,
13 and office management and perform such other duties as directed by the
14 Executive Director.

15 * * * Sheriff’s Departments Funding, Oversight, and

16 Administration Report * * *

17 Sec. 13. SHERIFF’S DEPARTMENTS OVERSIGHT;

18 REPORT

19 On or before January 15, 2024, the Department of State’s Attorneys and
20 Sheriffs, in consultation with the Sheriff’s Executive Committee, the
21 Department of Human Resources, the Vermont Sheriffs’ Association, the State

1 Auditor, and the Vermont Criminal Justice Council, shall report to the House
2 Committee on Government Operations and Military Affairs and the Senate
3 Committee on Government Operations with findings and any
4 recommendations for legislative action on:

5 (1) creating and maintaining policies and best practices to be included in
6 standard operating procedures manuals and policy manuals;

7 (2) creating a more efficient delivery of services provided by sheriff's
8 departments in the State;

9 (3) the compensation structure and levels of sheriffs, deputies, and
10 departmental staff, including salaries, overtime, retirement, benefits, and
11 bonuses;

12 (4) the duties of sheriffs, as related to both law enforcement and
13 administration of sheriff's departments; and

14 (5) oversight of sheriffs, as related to both conduct and administration of
15 sheriff's departments.

* * * Effective Date * * *

17 Sec. 14. EFFECTIVE DATE

18 This act shall take effect on passage.

19 (Committee vote: _____)

20 _____

21 Senator _____

1

FOR THE COMMITTEE